

Town of Franklin



Conservation Commission

**February 3, 2022
Meeting Minutes**

As stated on the agenda, due to the concerns regarding the COVID-19 virus, this meeting was conducted as a remote/virtual Conservation Commission meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda. This meeting was held in the Council Chambers, second floor of the Municipal Building, for citizens wishing to attend in person.

Commencement

Chair William Batchelor called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: William Batchelor, Jeffrey Milne, Jeff Livingstone, Andrew Mazzuchelli, Patrick Gallagher (via Zoom). Absent: Richard Johnson. Also present: Bryan Taberner, Acting Conservation Agent; Tyler Paslaski, Administrative Assistant; Lenore White, WSI (via Zoom).

Note: Documents presented to the Conservation Commission are on file.

PUBLIC HEARINGS

Public Hearing – NOI – Grove Street Shared Path

Mr. Milne recused himself.

Mr. Taberner stated that this is a Town project. He stated that as the Town does not have a conservation agent at this time, BETA was asked to do the review. He noted that Ms. White is a sub-contractor of BETA. Chair Batchelor stated that he has a high degree of confidence in Ms. White, and she will represent the project fairly.

Ms. Brooke Cotta, Assistant Town Engineer, reviewed that this NOI is for phase I of a two-phase public infrastructure project in the vicinity of Grove Street which consists of construction of an approximately 6,000-linear foot shared use path along Grove Street including pavement and roadway geometry improvements, signage improvements, intersection improvements, and upgrades to existing stormwater management infrastructure. Phase I work includes roadway improvement at the intersection of Grove Street and Washington Street, construction of a shared use path on Grove Street, upgrades to the municipal stormwater management system within the 100-foot buffer zone to Bordering Vegetated Wetlands, and construction of an infiltration basin.

Mr. Jonathan Niro, Environmental Scientist of BETA Group, Inc., reviewed the location of the proposed work. He reiterated that it is a two-phase project; however, this NOI is for phase I. He discussed the locations of nearby drinking water supply wells for Franklin, an Isolated Vegetated Wetland, and a Bordering Vegetated Wetland. He stated that he performed a delineation of the project and confirmed the Isolated Vegetated Wetland the Bordering Vegetated Wetland are separate from each other. He stated that

there are signs of a potential vernal pool. The project falls within the 100 ft. buffer zone, but does not fall within the 50 ft. buffer zone. He noted the proposed sidewalk, curbing, and mill and overlay of the roadway. He stated that all work will be in the existing right of way. He discussed the proposed widening of the roadway. He stated that this project will not involve any resource area impacts. There will be an approximately 3,000 sq. ft. increase in impervious area within the buffer zone. However, as a form of mitigation, along Grove Street the Town plans to install two deep sump catch basins to discharge to an infiltration basin. He stated that the stormwater system is fairly robust to remove about 95 percent of total suspended solids.

Ms. White stated that she worked with Mr. Taberner and reviewed the plans. She stated that as Mr. Niro pointed out, both the Isolated Vegetated Wetland, and Bordering Vegetated Wetland are potential vernal pools. She stated that her concern is that in the stormwater report it discusses how the existing flow is sheet flow off the roadway. Presumably, some of that flow enters these wetland areas. She stated that with the proposed design, all of that sheet flow will be taken and sent down into an area beyond the buffer zone. She stated that her concern is that the potential vernal pools would be affected by removing any surface runoff water that may contribute to them. She noted that she did not see anything in BETA's report about that. Mr. Niro pointed out that the wetland on the east side of the road identified as a potential vernal pool is associated with an intermittent stream network; therefore, at least a portion of the hydrology is provided by the intermittent stream. He stated that on both sides of the road there is some sheet flow runoff from the vegetated road shoulders, so any runoff would not be sheet flowing. Therefore, there will be flow continuing to run down to the isolated wetland area. He stated that the slopes will continue to contribute hydrology; therefore, the current hydrology will be maintained in the areas. Ms. White noted the reduction in flow pre- and post-construction as outlined in the stormwater report. She suggested some mitigation may be done. Chair Batchelor confirmed Ms. White's concerns are satisfied.

Mr. Gallagher asked what would be the affect if the project went forward without the two additional catch basins. Mr. Niro stated that the first affect in the regulatory sense is that the project would not meet the Massachusetts regulatory standards. He stated that in the field sense, if the roadway shoulders were to be converted to impervious pavement without the basins, it would affect the resource areas.

Mr. Nick Schatz, 1 Rosewood Lane, stated that there are five or six adult pine trees on the border of Grove Street. The trees provide a visual and noise barrier to Grove Street. He asked what impacts this project will have on those trees. He would like the trees to remain. Mr. Niro stated that based on the plan for the infiltration basin, there will be removal of five pine trees. He noted that this area is outside the 100 ft. buffer zone of the Conservation Commission's jurisdiction. Therefore, any mitigation to be done in this area would be up to the Town. Ms. Cotta stated that she cannot make any promises, but they can look at the design and what they can do. Mr. Taberner stated that he is sure Ms. Cotta will talk to the Town Engineer and/or the DPW Director about the design and to mitigate if possible. He stated that he will make sure they talk about it before the next meeting. Chair Batchelor stated that this will not affect the Commission's vote on the NOI.

Ms. Alison Labbate, 4 Warwick Road, asked what phase II would involve. Ms. Cotta stated that phase II will potentially include sidewalks and roadways. Chair Batchelor stated that the question is with the wrong commission. Ms. Cotta stated that she would take the comments and concerns back to the Town Engineer to take into consideration.

There was a motion made by Andrew Mazzuchelli to close the public hearing for the NOI for Grove Street Shared Path. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 4-0-0. Roll Call Vote: Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

There was a motion made by Andrew Mazzuchelli to approve the NOI for Grove Street Shared Path. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 4-0-0. Roll Call Vote: Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

Mr. Milne re-entered the meeting.

Public Hearing – Continued – NOI – 10 Populatic Street

Mr. Gregory Drake of Outback Engineering representing the owners of 10 Populatic Street addressed the Commission for a bank stabilization project on the Charles River to address erosion. He stated that the original submission in November included use of stone gabion baskets in two locations. In response to DEP, Town, and Ms. White's concerns and recommendations, the applicant proposes to use a bio-engineered bank stabilization process which uses 100 percent biodegradable fiber matting and coir logs. He reviewed the original design was with gabions. A soft solution was requested which they have provided. He stated that they will not be disturbing the tree that fell into the water. They are recommending an arborist determine if pruning the other trees in the area would be enough or if the trees would need to be cut down. Chair Batchelor asked about the new fence being installed.

Ms. White confirmed that the project has been through a few iterations, most resulting in downsizing the scope of work. She stated that the area will be planted and stabilized; this is a workable situation. She stated that it is a bad situation out there; the yard is eroding. This is a solution that may provide some relief. She stated that she has not seen any additional comments from DEP, so she assumes they are satisfied with the plan.

Mr. Gallagher stated that he is concerned from a safety perspective that with a 6 in. space underneath the fence, a young child or small pet could crawl under the fence and a person would be unable to get to them. That would override concerns of wildlife being about to go back and forth. He suggested not imposing that condition.

Ms. White stated that she does not think 6 in. is going to interfere with a child. She stated that she thinks it is worthy to have some distance below the fence for wildlife to travel. But, she would not object if the Commission overrules it. Chair Batchelor asked if they could accommodate the request by making it 4 in. Ms. White stated that 6 in. is better for some small mammals, but either one is okay. She noted that the river continues beyond the fence, so there is room for animals to move about. Mr. Gallagher stated that it still worries him even if it were a 4 in. space. Chair Batchelor stated that they should accommodate with 4 in. Commission members informally agreed to the 4-in. allowance under the fence.

There was a motion made by Jeff Livingstone to close the public hearing for the NOI for 10 Populatic Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

There was a motion made by Jeff Livingstone to approve the NOI for 10 Populatic Street with special conditions #20, 21, 24, 27-30, 32, 34, 41, and 44, and the following:

52. To accommodate the potential need for planting care and/or replacement, the fence shall only be installed once stabilization to the satisfaction of the Conservation Commission is achieved, with a 4 in. lift at the bottom.
53. The siltation boom shall remain in place until stabilization to the satisfaction of the Conservation Commission is achieved.
54. Plantings shall be provided with sufficient irrigation until they are fully established.

55. Provide for a yearly monitoring plan to assess the plantings and make recommendations for improvement, as necessary. Review the site in the growing season to assess the stability of the bank and to assess the re-vegetation. The monitoring program shall continue until the area is fully stabilized with vegetation (at least 75% coverage) or until the Conservation Commission issues a Certificate of Compliance. Any changes to the site or recommendations for further action shall be presented to the Conservation Commission prior to implementation.
56. The new fence shall be installed a minimum of four inches off the ground to allow passage of wildlife.

The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: SE159-732 16 Crystal Pond Lane

Mr. Taberner stated that this request relates to an Order of Conditions issued by the Conservation Commission for work at 16 Crystal Pond Lane described in a Notice of Intent dated July 30, 2001. The work was completed approximately 20 years ago, but the homeowner did not file a request for the Certificate of Compliance. He noted that the property has had three DEP numbers over the past 20 years. Until closed out, this item will stay on the homeowner's deed. He recommended approval of the Certificate of Compliance.

There was a motion made by Jeff Livingstone to approve the Certificate of Compliance for SE159-732, 16 Crystal Pond Lane. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

Violations/Enforcement: None.

Minutes: January 20, 2022

There was a motion made by Jeff Livingstone to approve the meeting minutes for January 20, 2022. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

Discussion Item: Administrative Approval - 3 Hambone Farm Road

Mr. Taberner reviewed the administrative approval for the replacement of two existing decks with larger decks that will be slightly closer to the wetlands. The contractor will utilize Techno Post or similar screw piles. He stated that no impacts to wetland resources are expected.

There was a motion made by Jeff Livingstone to approve the Administrative Approval for 3 Hambone Farm Road. No Second Made. It was accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

Discussion Item: Administrative Approval - 6 Noanet Brook Lane

Mr. Taberner reviewed the administrative approval for the removal of one tree near a wetland as it is leaning in the direction of the house and could cause damage if it falls. Ms. White stated that the

homeowner had a tree service look at some trees overhanging the yard. The application is to remove one tree at the edge of the wetland. She stated that it can be done with no impacts to the wetlands.

There was No Motion or Second Made to approve the Administrative Approval for 6 Noanet Brook Lane. A roll call vote of 5-0-0 was taken: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

Discussion Item: Administrative Approval - 370 King Street

Mr. Taberner reviewed the administrative approval for a commercial project to install a grease trap in a paved parking area. They will use erosion control barriers and cover the storm drains in the parking lot. He stated that no impacts are expected.

There was No Motion or Second Made to approve the Administrative Approval for 370 King Street. A roll call vote of 4-0-0 was taken: Milne-Yes; Livingstone-Not Asked to Vote; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

Chair and Commission Comments:

Mr. Taberner stated that at a future Commission meeting he would like to talk about the DelCarte property regarding ongoing water treatment. He stated that the existing contract has run out.

Executive Session: None.

There was a motion made by Jeff Livingstone to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

The meeting adjourned at 7:51 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary